



inaccurate when conducting its review. The appellant presents that although he is supervised by Police Captain Adam Picca “on paper,” he receives most, if not all, of his assignments directly from Chief Robert Lokerson and in the same manner that they are given to Police Captain Picca. Further, he proffers that he routinely reports back to Chief Lokerson verbally or in writing after completing assignments. He submits that he has prepared between 75 and 100 reports addressed directly to the Chief of Police since May 2020. Conversely, he states that he is rarely given assignments by Captain Picca and he does not report to him verbally or in writing. He also submits that he and Captain Picca work independently of one another, performing completely different functions within the department. He argues that Agency Services’ assertion that “supervising Lieutenants” is a requirement for a Police Captain classification is without a basis, as the job specification for Police Captain does not contain such a requirement, but instead provides “has charge of subordinates engaged in activities intended to provide assistance and protection for persons, safeguard property, assure observance of the laws, and apprehend lawbreakers. . .” He further notes that historically, when there were two Police Captains and two Police Lieutenants serving within the appointing authority, the two Police Lieutenants would be assigned to one of the Police Captains and the other Police Captain performed the job functions he is presently assigned as Administrative Services Bureau Commander. He proffers that what the appointing authority has done is divided a Police Captain’s job functions and responsibilities with two Police Lieutenants—himself and Lieutenant Christopher Leonhardt. He also maintains that the responsibilities of the other two Police Lieutenants are far below those assigned to his position of the same rank. In support of his appeal, the appellant submits various departmental orders, including a General Order from the appointing authority’s former Chief of Police, dated April 28, 2020, which details the appellant’s responsibilities as Administrative Services Bureau Commander, effective May 8, 2020.

In response, the appointing authority contends that the appellant’s position is properly classified as Police Lieutenant and, in support, it submits a statement from Chief Lokerson. Chief Lokerson states, in relevant part, that he believes Agency Services’ determination that the appellant was properly classified as a Police Lieutenant was correct. Specifically, Chief Lokerson advises that per departmental rules and regulations, he is responsible for the Point Pleasant Police Department’s table of organization, subject to the approval of Point Pleasant’s mayor and council. Chief Lockerson indicates that the organization of the department has changed to address changes in laws and technology and that the present table of organization provides for only one Police Captain position. He also states that the appointing authority has not had two Police Captains since 2001. In addition, Chief Lockerson maintains that the appellant’s responsibilities as the Administrative Services Bureau Commander are consistent with the job specification for the title of Police Lieutenant. Chief Lokerson adds that the position in question was previously held by a different Police Lieutenant from May

2015 to May 2020. Chief Lokerson also indicates that he held the subject position prior to May 2015, while serving in the title of Police Lieutenant. Chief Lokerson further contends that a Police Captain classification would be inappropriate here, as the appellant's duties do not include supervision of any Police Lieutenants or charge of a police station in the absence of the Chief of Police. Moreover, Chief Lokerson argues that although he gives the appellant most, if not all, assignments directly, it has no effect on Police Captain Picca being the appellant's direct supervisor. In this regard, Chief Lokerson submits that he gives multiple assignments to a number of departmental employees under his command and that his doing so does not change who their supervisor is.

In reply, the appellant contends that the appointing authority failed to address several key points, including: the Administrative Services Bureau Commander position and responsibilities having been assigned to a Police Captain for much of a 20-year period; the fact that the appointing authority's mandate that he supervise Police Lieutenants to be classified as a Police Captain is not a requirement specified in the Police Captain job specification; and that the responsibilities assigned by department order to Lieutenant Leonhardt were previously held by Chief Lokerson when he was a Police Captain. Further, he contends that the documentation he has submitted demonstrates that he is supervised by Chief Lokerson, rather than Captain Picca. He reiterates that the history of the department shows that the Administrative Services Commander position and associated responsibilities have been assigned to incumbents serving in the title of Police Captain, with one exception. Finally, he contends that the appointing authority's opinion is not consistent with the facts in the record.

## CONCLUSION

*N.J.A.C.* 4A:3-3.9(e) states that in classification appeals, the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section for the job specification for Police Lieutenant states:

Under supervision of a Police Captain during an assigned tour of duty, has charge of a police platoon or performs specialized supervisory police duties; does related work as required.

The definition section for the job specification for Police Captain states:

Under supervision of the Chief or Deputy Chief of Police during an assigned tour of duty, has charge of subordinates engaged in activities

intended to provide assistance and protection for persons, safeguard property, assure observance of the laws, and apprehend lawbreakers; does related work as required.

In the instant matter, the appellant disputes Agency Services' characterization of the duties he performs and its finding that he is supervised by a Police Captain. Namely, he contends that he is effectively supervised by the Police Chief and that the majority of his duties are consistent with the examples of work in the job specification for Police Captain. A thorough review of the information presented in the record establishes that the appellant's position at the time of the audit was properly classified as a Police Lieutenant and he has not presented a sufficient basis to establish that his position was improperly classified.

The April 20, 2020 General Order from the appointing authority's former Police Chief indicates, in pertinent part, that the appellant, as a Police Lieutenant, is designated as Administrative Services Bureau Commander, with duties that include: serving as the Day Shift Watch Commander; assuming all of the duties of the Day Shift Sergeant when the Day Shift Sergeant is absent; supervising the records unit/computer operators, communications unit, traffic safety and crossing guards; responsibility for all department facilities, equipment, and fleet management; procuring, managing and supervising departmental grants and programs; preparing payroll; general oversight over the firearms training program and instructors; approving all day shift reports; and at the Chief's discretion, reviewing, developing, modifying, recommending, implementing and administering department policies, procedures and department rules and regulations.

A significant classification consideration is the level of supervisory authority within the organizational structure. Based upon a thorough review of the information presented in the record, it is clear that the appellant's position was properly classified as a Police Lieutenant when he was in the Administrative Services Bureau. First, it must be emphasized that the appointing authority has the right to determine the organizational structure of its operation. The New Jersey Administrative Code does not mandate that local jurisdictions spend funds to make promotional appointments, and the Commission does not have any authority over fiscal decisions of local jurisdictions. As long as there are no improper reporting relationships or misclassifications, how the office is organized or how often the office is reorganized is not under the jurisdiction of the Commission or reviewable in the context of a classification appeal.

Performing the duties of an Administrative Services Bureau Commander does not automatically establish that the position is a third level supervisor. The appellant's arguments with regard to the issues related to supervision are not persuasive. Although Chief Lokerson may give most, if not all assignments, directly to the appellant, the record establishes that Police Captain Picca is responsible for

the preparation of the appellant's performance evaluations. Further, the record shows that the appellant does not have the responsibility for the supervision of any Police Lieutenant. Supervision includes responsibility for seeing that tasks assigned to subordinates are efficiently accomplished. It involves independent assignment and distribution of work to employees, with oral or written task instructions, and maintenance of the flow and quality of work in order to ensure timely and effective fulfillment of objectives. Supervisors are responsible for making available or obtaining materials, supplies, equipment, and/or plans necessary for particular tasks. They provide on-the-job training to subordinates when needed, and make employee evaluations based on their own judgment. They have the authority to recommend hiring, firing, and disciplining employees. *See In the Matter of Julie Petix* (MSB, decided January 12, 2005). *See also, In the Matter of Susan Simon and William Gardiner* (Commissioner of Personnel, decided September 10, 1997). In this regard, the Commission has determined that the *essential component* of supervision is the responsibility for the administration of performance evaluations for subordinate staff. *See In the Matter of Timothy Teel* (MSB, decided November 16, 2001); *In the Matter of Robert Bielsten* (CSC, decided August 17, 2011). The appellant was not performing necessary and daily supervisory duties over any Police Lieutenants as Administrative Services Bureau Commander. Moreover, the overwhelming majority of the duties performed by the Administrative Services Bureau Commander fall within the Police Lieutenant job specification. Finally, as to his contention that his responsibilities are greater than those assigned to the appointing authority's two other Police Lieutenants, the Commission observes that it is not uncommon for an employee to perform some duties which are above or below the level of work normally performed.

Accordingly, a thorough review of the entire record establishes that the proper classification of David Radsniak's position in the Administrative Services Bureau was Police Lieutenant.

### **ORDER**

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 1<sup>ST</sup> DAY OF SEPTEMBER, 2021

*Deirdre' L. Webster Cobb*

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